United Nations CEDAW/C/JOR/CO/6

# Convention on the Elimination of All Forms of Discrimination against Women

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**Committee on the Elimination of Discrimination against Women**

## Concluding observations on the sixth periodic report of Jordan*

1. The Committee considered the sixth periodic report of Jordan (CEDAW/C/JOR/6) at its 1476th and 1477th meetings (see CEDAW/C/SR.1476 and 1477), held on 16 February 2017. The Committee's list of issues and questions is contained in CEDAW/C/JOR/Q/6 and the responses of Jordan are contained in CEDAW/C/JOR/Q/6/Add.1.

### A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Ambassador and Permanent Representative of Jordan to the United Nations Office and other international organizations in Geneva, Saja Majali, and included representatives of the Ministry of Foreign and Expatriate Affairs, the Jordanian National Commission for Women, the Supreme Judge Department and the Permanent Mission of Jordan to the United Nations Office and other international organizations in Geneva.

### B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2012 of the State party's fifth periodic report (CEDAW/C/JOR/5) in undertaking legislative reforms, in particular the adoption of the following:

(a) Social Security Act, in 2014, designed to enhance social and economic protection for women, in particular those working in small businesses;

(b) Regulations governing the Alimony Fund, in 2015, aimed at expediting the payment of adjudicated maintenance in case of non-payment;

* Adopted by the Committee at its sixty-sixth session (13 February-3 March 2017).

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(c) Amendments to the Civil Service Code, in 2013, granting male employees paternity leave and female employees a daily nursing hour for nine months following maternity leave.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or creation of the following:

(a) National Framework for Family Protection against Violence, in 2016, the Communication Strategy on Gender-based Violence, in 2015, and the National Strategy to Combat Violence against Women (2014-2017), in 2014;

(b) National Strategy for Women (2013-2017), in 2013;

(c) Ministry of Health Family Planning Strategy (2013-2017) and the National Reproductive Health/Family Planning Strategy (2013-2017), in 2013;

(d) Strategy to promote women's political participation in all elected bodies at the parliamentary, municipal, union, chamber of commerce and industry levels (2012-2017), in 2012;

(e) Anti-trafficking units within the Public Security Directorate, in 2012.

6. The Committee welcomes the increased financial resources allocated by the State party to the National Centre for Human Rights, as well as its reaccreditation, in 2016, as an "A" status national human rights institution by the Global Alliance of National Human Rights Institutions.

## C. Factors and difficulties preventing the effective implementation of the Convention

7. The Committee acknowledges the impact of the combined economic, demographic and security challenges facing Jordan as a consequence of the continuing conflicts in the region, in particular the crisis in the Syrian Arab Republic, which has resulted in:

(a) A mass influx of refugees from the Syrian Arab Republic, estimated at 1.4 million persons;

(b) A social and economic cost to Jordanian society, reflected in a sharp increase in poverty and unemployment and overstretched national health and education systems, basic services and infrastructure;

(c) A deteriorating security situation.

8. The Committee notes with concern that the support from the international community has been insufficient to alleviate the burden on the State party and the host community and calls upon donors to meet the humanitarian needs identified by the United Nations.

9. The Committee is concerned about the persistent rise of fundamentalism in the country, which has a negative impact on women's rights.

## D. Parliament

10. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth**

**session, in 2010). It invites the parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

## E. Principal areas of concern and recommendations

### Refugee, asylum-seeking and stateless women

11. The Committee commends the State party for the open border and reception policy that it has had for years regarding Palestinian refugees and those from Iraq and the Syrian Arab Republic, and its remarkable and sustained efforts to ensure protection of and assistance to refugees and asylum seekers. It also welcomes the measures put in place to cope with the massive arrival of Syrian refugees, half of whom are women. The Committee is concerned, however, about the precarious and insecure living conditions of female refugees, in particular those who live outside refugee camps and/or are undocumented. It also notes that Palestinian refugee women fleeing the conflict in the Syrian Arab Republic are often deprived of basic services and essential goods, including education, economic opportunities and health care, and are at a heightened risk of gender-based violence, including sexual violence, labour and sexual exploitation, as well as arrest, detention, forced relocation to refugee camps and refoulement. The Committee is furthermore concerned about:

(a) The policy of non-admission of Palestinian refugees fleeing the conflict in the Syrian Arab Republic, which was adopted in January 2013, as well as the reported forcible return to the Syrian Arab Republic of a number of Palestinian refugees, including women and girls;

(b) Cases of Palestinian mothers fleeing the Syrian Arab Republic being prevented from entering the State party, while their Syrian husbands and children were allowed to do so;

(c) The pervasive underreporting of gender-based violence against refugee women, including sexual violence and exploitation of prostitution, and the limited availability of specialized services;

(d) Early and/or child and forced marriages of refugee women and girls to Syrian and Jordanian men, often in polygamous marriages, for socioeconomic reasons or protection purposes;

(e) Reports of arbitrary withdrawal of Jordanian nationality from citizens of Palestinian origin, including women.

12. **The Committee recommends, in line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, that the State party take prompt measures to improve the security of women and girl refugees and asylum seekers, increase their access to education, training, livelihood opportunities, health care, basic services and essential goods, and ensure that they are not subjected to sexual or labour exploitation. It also recommends that the State party:**

(a) **Ensure that the principle of non-refoulement is upheld for all women and girls in need of international protection, by abolishing the policy of non-admission of Palestinian refugees fleeing the conflict in the Syrian Arab Republic, introducing procedural safeguards against refoulement and providing effective remedies in expulsion proceedings, establishing gender-**

**sensitive asylum procedures and defining gender-based violence as a justification for asylum, in line with articles 1 and 2 of the Convention;**

**(b) Ensure that refugees and asylum seekers, in particular women, are informed about the national referral mechanisms for victims of sexual and gender-based violence and how to gain access to the formal justice system;**

**(c) Seek technical support for the establishment of a system to collect disaggregated data on incidents of gender-based violence against women, in particular sexual violence, and incidents of forced prostitution and child and/or forced marriage of refugee women and girls, and provide victims with medical and psychosocial assistance and access to justice, in line with article 2 of the Convention and the Committee's general recommendation No. 33 (2015) on women's access to justice;**

**(d) Put an end to the withdrawal of Jordanian nationality from refugees of Palestinian origin residing in the State party;**

**(e) Continue to strengthen cooperation with the United Nations system to increase the support from the international community to share the economic burden and provide for the needs of the refugee population, including resettlement and humanitarian admission opportunities, and continue to cooperate with the Office of the United Nations High Commissioner for Refugees and the United Nations Relief and Works Agency for Palestine Refugees in the Near East.**

### Implementation and visibility of the Convention

13. The Committee notes that, under article 33 of the Constitution and article 24 of the Civil Code, international treaties ratified by the State party, such as the Convention, form an integral part of and take precedence over national law. It notes, however, the absence of information about court proceedings in which provisions of the Convention have been directly invoked or applied, which may indicate a continuing lack of awareness in society in general, and among women in particular, and insufficient knowledge among the judiciary and the legal profession of the Convention.

14. **The Committee recommends that the State party:**

**(a) Ensure that legislative measures to eliminate discrimination against women are in full conformity with the Convention;**

**(b) Ensure the direct applicability and enforceability of the Convention within the national legal framework and its precedence over national laws;**

**(c) Further enhance capacity-building programmes for judges, prosecutors, lawyers and law enforcement officials on the application of international legal norms and standards relating to women's human rights, including the Convention and the jurisprudence of the Committee, and make information on those instruments available in Arabic to all women and girls, including by using information campaigns in the media and posting the Convention and all general recommendations issued by the Committee on the relevant government websites.**

### Withdrawal of reservations

15. Notwithstanding the explanations given by the delegation, the Committee remains concerned about the State party's reluctance to withdraw its reservations to articles 9 (2) and 16 (1) (c), (d) and (g).

16. **The Committee recommends that the State party:**

**(a) Withdraw its reservations to articles 9 (2) and 16 (1) (c), (d) and (g) of the Convention;**

**(b) Intensify its efforts, in discussing with leaders of religious communities and religious scholars, taking into consideration best practices in the region and in countries members of the Organization of Islamic Cooperation, to overcome resistance to the withdrawal of such reservations.**

**Constitutional and legislative framework**

17. The Committee remains concerned about the lack of comprehensive legislation on gender equality, as well as the omission of sex and gender as prohibited grounds for discrimination in article 6 of the Constitution. It is also concerned about the limited scope and applicability of the procedure for challenging laws deemed to be incompatible with the Constitution and international legal obligations.

18. **The Committee recommends that the State party adopt and effectively implement comprehensive legislation on gender equality, including a prohibition of discrimination against women, in line with articles 1 and 2 of the Convention. It also recommends that the State party address the omission of sex and gender as prohibited grounds for discrimination in its Constitution. It further recommends that the State party amend the Constitutional Court Act (2012) to enable stakeholders to challenge laws deemed to be incompatible with the Constitution and international legal obligations.**

**Discriminatory laws**

19. The Committee notes with appreciation that a number of laws and regulations have recently been promulgated or are being amended to promote and afford greater protection to women's rights, in particular the repeal of the provision in the Passport Act (1969) that had made the issuance of a wife's passport conditional upon her husband's or guardian's consent. It is concerned, however, about the persistence of discriminatory provisions in various national laws, in particular the Criminal Code, the Family Protection Act, the Personal Status Act, the Labour Code, the Social Security Act, the Civil Retirement Act and the Nationality Act.

20. **The Committee recommends that the State party expedite a comprehensive review of its legislation to ensure compatibility with the provisions of the Convention, and recommends that it accelerate its efforts in repealing all remaining discriminatory provisions in its national legislation, in line with articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere.**

**Participation of women in peace processes**

21. The Committee commends the State party on its commitment to the implementation of Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security and notes that a national action plan for the implementation of those resolutions is being developed. It notes with concern, however, that such a plan has not yet been adopted and that no time frame has been provided for its implementation.

22. **The Committee recommends that the State party:**

**(a) Expedite the adoption of a national action plan on women and peace and security, and develop effective tools for measuring its outcomes;**

**(b) Ensure the participation of women at all levels in the implementation of the projected national action plan and increase support to local women's organizations and networks that are active in peace initiatives and post-conflict reconstruction processes;**

**(c) Ensure that sufficient financial resources are allocated to its women, peace and security agenda and its national action plan, in line with the recommendations of the global study on the implementation of Security Council resolution 1325 (2000).**

**Access to justice**

23. The Committee notes the numerous complaint mechanisms accessible to women who are victims of discrimination or violence, including the Women's Rights Unit of the National Centre for Human Rights, the Women's Complaint Unit of the National Commission for Women and the Justice Centre for Legal Aid. The Committee is, however, concerned about persisting barriers to women's access to justice, in particular:

(a) Women's limited knowledge of their rights;

(b) Language barriers faced by women wishing to claim their rights, in particular migrant and refugee women;

(c) The lack of adequate legal aid services;

(d) The lack of knowledge and sensitivity regarding women's rights on the part of law enforcement officials and legal practitioners.

24. **The Committee, in line with its general recommendation No. 33, recommends that the State party:**

**(a) Enhance women's awareness of their rights and their means of enforcing them, placing particular emphasis on the integration of education on women's rights and gender equality into curricula at all levels, including legal literacy programmes, and emphasizing the crucial role of women's access to justice and the role of men and boys as advocates for the promotion of women's rights;**

**(b) Institutionalize systems of legal aid and public defence that are accessible, sustainable and responsive to the needs of women and ensure that such services are provided in multiple languages and in a timely, continuous and effective manner at all stages of judicial or quasi-judicial proceedings, including alternative dispute resolution mechanisms;**

**(c) Take immediate steps, including capacity-building and training programmes on the Convention and women's rights for justice system personnel, to eliminate gender stereotyping and ensure that sharia courts harmonize their norms, procedures and practices with the human rights standards enshrined in the Convention and other international human rights instruments.**

**National machinery for the advancement of women**

25. The Committee welcomes the State party's efforts to increase the visibility and the financial allocations of the Jordanian National Commission for Women, as well as the development of other departmental and intergovernmental coordinating mechanisms on women's equality. It remains concerned, however, about the institutional weakness, limited status, insufficient decision-making authority, shortage of human, technical and financial resources and inadequate presence at the

governorate and local levels of the national machinery for the advancement of women, as well as the difficulties that it faces in coordinating with other entities and the obstacles that persist in relation to gender mainstreaming throughout all government bodies.

26. **The Committee recommends that the State party:**

**(a) Further strengthen the institutional capacity of the national machinery for the advancement of women and provide it with the mandate, decision-making power and human, technical and financial resources necessary to mainstream gender equality throughout all policies of the ministries and in all government offices and for it to be able to open branch offices in all governorates, in particular in rural areas;**

**(b) Continue to ensure that the national machinery coordinates and cooperates with civil society and women's non-governmental organizations to promote participatory planning for the advancement of women;**

**(c) Undertake an impact assessment of the National Strategy for Women (2013-2017) to evaluate the progress made towards gender equality and develop a new strategy for the period 2018-2022, as well as a plan of action that clearly defines the competencies of national and local authorities regarding its implementation and that is supported by a comprehensive data collection and monitoring system.**

### Temporary special measures

27. The Committee welcomes the State party's efforts in applying temporary special measures with regard to women's political participation, such as the quota provisions in the Parliamentary Elections Act (2016) and the revised Municipalities Act (2015). The Committee is concerned, however, that temporary special measures are not sufficiently applied as a necessary strategy to accelerate the achievement of substantive equality between women and men in other areas covered by the Convention, in particular employment and education.

**28. The Committee reiterates its previous recommendation (see CEDAW/C/JOR/CO/5, para. 22) that the State party expand the use of temporary special measures, in accordance with article 4 (1) of the Convention and as interpreted by the Committee in its general recommendation No. 25 (2004) on temporary special measures, in all areas covered by the Convention in which women are underrepresented or disadvantaged. To that end, it recommends that the State party:**

**(a) Raise awareness among parliamentarians, government officials, employers and the general public about the necessity of temporary special measures;**

**(b) Set time-bound targets and allocate sufficient resources for the implementation of strategies, such as outreach and support programmes, creation of quotas and other proactive measures aimed at achieving the substantive equality of women and men in all areas, in particular employment and vocational training.**

### Stereotypes

29. The Committee is concerned about the persistence of deep-rooted discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, which overemphasize the traditional role of women as mothers and wives, thereby undermining women's social status,

autonomy, educational opportunities and professional careers. It notes with concern that patriarchal attitudes are on the rise within State authorities and society, and that gender equality is being openly and increasingly challenged by conservative groups.

30. **The Committee reiterates its previous recommendation (see CEDAW/C/JOR/CO/5, para. 24) that the State party:**

(a) **Put in place, without delay, a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women. Such measures should include efforts, in collaboration with civil society and community and religious leaders, to educate and raise awareness regarding the substantive equality of women and men and should target women and men at all levels of society;**

(b) **Accelerate its efforts to launch information campaigns with the media to strengthen understanding of substantive gender equality, and continue to eliminate discriminatory stereotypes about women's roles through the education system to enhance a positive and non-stereotypical portrayal of women.**

**Gender-based violence against women**

31. The Committee notes the information provided by the delegation on the bill on protection against domestic violence. It remains concerned, however, about:

(a) The prevalence of gender-based violence against women in the State party, in particular domestic and sexual violence, and the fact that this remains largely underreported and undocumented;

(b) The absence of specific legislation to eliminate gender-based violence against women in all settings, including a definition of such violence, and to criminalize marital rape;

(c) The lack of clear and well-defined provisions on prevention of violence, protection of victims and the prosecution and punishment of perpetrators in the Family Protection Act (2008);

(d) The low prosecution and conviction rates and the lenient penalties imposed on perpetrators of gender-based violence against women;

(e) The frequent recourse to reconciliation in cases of domestic violence, which can lead to revictimization;

(f) The lack of shelters, support services and other protective measures for women who are victims of gender-based violence, especially in rural areas, which reportedly prevents them from leaving their violent partners;

(g) The lack of statistical data on gender-based violence against women, including domestic violence, in particular on investigations, prosecutions, convictions, sentences and reparations.

32. **Recalling its general recommendation No. 19 (1992) on violence against women, the Committee recommends that the State party:**

(a) **Enhance its efforts to combat all forms of gender-based violence against women, including domestic and sexual violence, paying particular attention to disadvantaged groups;**

(b) **Enact legislation to specifically define and criminalize all forms of gender-based violence against women, including marital rape, and address the prevention of violence, protection of victims and prosecution and punishment of perpetrators;**

**(c) Take measures to encourage women who are victims of violence to report their cases, including by destigmatizing victims, providing capacity-building programmes for judges, prosecutors, police officers and other law enforcement officials on how to investigate such cases in a gender-sensitive manner and developing user-friendly reporting guidelines;**

**(d) Ensure that allegations of gender-based violence against women, including domestic violence, are duly investigated, prosecuted and sanctioned and that victims have access to appropriate redress, including compensation;**

**(e) Provide mandatory training for judges, prosecutors and law enforcement officials, especially those who conduct mediation in cases in which domestic violence is deemed to constitute a minor offence, on the strict application of relevant legal provisions;**

**(f) Strengthen services for women who are victims of gender-based violence, including by establishing shelters throughout the territory of the State party and ensuring the availability of psychosocial rehabilitation and reintegration programmes;**

**(g) Systematically collect data on all forms of gender-based violence against women, disaggregated by sex, age, nationality and the relationship between the victim and the perpetrator, as well as on protection orders, prosecutions and sentences imposed on perpetrators.**

33. The Committee notes the information concerning the legal reform being carried out in the State party. Nevertheless, it remains concerned about the continued existence of articles 97 to 99, 308 and 340 of the Criminal Code, which exempt rapists from criminal liability if they marry the victim for at least five years, and provide for reduced sentences in certain circumstances for perpetrators of crimes committed in the name of so-called "honour". The Committee is also concerned about the continuous recourse of the State party to administrative detention or "protective custody" of women and girls at risk of becoming victims of those crimes, which allows for their detention in correctional facilities without charge and for indefinite periods.

34. **The Committee recommends that the State party:**

**(a) Repeal, without further delay, all remaining discriminatory provisions of the Criminal Code condoning gender-based violence against women, in particular articles 97 to 99, 308 and 340, and ensure that rapists and perpetrators of crimes committed in the name of so-called "honour" are prosecuted and punished adequately without benefiting from any mitigating or exculpatory provisions;**

**(b) Amend the Crimes Prevention Act (1954) with a view to abolishing the practice of administrative detention, in particular the holding of women and girls who are at risk of becoming victims of gender-based violence in "protective custody";**

**(c) Immediately release women and girls arbitrarily placed in "protective custody", establish appropriate shelters and mechanisms for their protection throughout the country and ensure that they consent to any protection measure extended to them.**

### Trafficking and exploitation of prostitution

35. The Committee notes the efforts made by the State party to combat trafficking in persons. It is concerned, however, about the extent of trafficking in women and girls to, from and within the State party for purposes of labour and sexual

exploitation, including frequent cases of Syrian girls being lured into prostitution through false promises of marriage and a better life in the State party, as well as about documented allegations that adolescent refugee girls are sold as brides in the State party. The Committee is furthermore concerned regarding:

(a) The inadequate definition of "trafficking in persons" in the Act to Prevent Trafficking in Persons (2009);

(b) The low rates of prosecution and conviction in cases of trafficking in women and girls;

(c) The weak coordination between government security, justice and social services entities, as well as their insufficient cooperation with civil society;

(d) The lack of adequate mechanisms to identify and refer victims of trafficking, including women in prostitution, who have reportedly been arrested, detained and deported for acts committed as a consequence of having been trafficked;

(e) The lack of systematically organized rehabilitation and reintegration measures, including access to counselling, medical treatment, psychological support and redress, including compensation, for victims of trafficking, in particular for refugee, asylum-seeking and migrant women and women domestic workers.

36. **The Committee recommends that the State party:**

**(a) Include in its Act to Prevent Trafficking in Persons a comprehensive definition of trafficking, as well as provision for the investigation, prosecution and punishment of such acts in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and provide mandatory gender-sensitive training to judges, prosecutors, border police, immigration authorities and other law enforcement officials on this law to ensure its strict application;**

**(b) Assess the impact of the National Strategy to Combat Trafficking in Persons (2010-2013) and adopt a new strategy and action plan for the period 2017-2020;**

**(c) Investigate, prosecute and adequately punish all cases of trafficking in persons, especially women and girls;**

**(d) Ensure inter-agency coordination between government security, justice and social services entities to combat trafficking and strengthen their cooperation with civil society;**

**(e) Strengthen measures to identify and provide support to women at risk of trafficking;**

**(f) Ensure that women who are victims of trafficking and exploitation of prostitution are exempted from any liability and provided with adequate protection, such as witness protection programmes and temporary residence permits, irrespective of their ability or willingness to cooperate with the prosecutorial authorities;**

**(g) Provide victims of trafficking with adequate access to health care and counselling, strengthen the human, technical and financial resources of social work centres and provide targeted training for social workers dealing with victims of trafficking;**

(h) **Ensure that all victims of trafficking, irrespective of their national or social background, obtain effective protection and redress, including rehabilitation and compensation;**

(i) **Address the root causes of trafficking and exploitation of women and girls in prostitution by adopting and implementing adequately resourced programmes and other appropriate measures to create educational and employment opportunities for women, in particular refugees and migrant workers, who are at risk of being trafficked or exploited in prostitution.**

**Participation in political and public life**

37. The Committee is aware of the State party's use of temporary special measures to accelerate the participation of women in political life, notably in the Parliamentary Elections Act (2016) and the revised Municipalities Act (2015). It is concerned, however, about the low participation of women at all levels of decision-making, including within the Government, the parliament, the judiciary and the civil service, and the lack of specific steps to address the underlying causes of the exclusion of women from decision-making, including prevailing social and cultural attitudes.

38. **In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party adopt measures, including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25, including quotas and benchmarks with specific time frames, in order to achieve the equal and full participation of women in political and public life and in decision-making at the local and national levels, including in the judiciary and the civil service. It also recommends that the State party implement awareness-raising campaigns for society as a whole about the importance of women's participation in decision-making, including the participation of women belonging to disadvantaged or marginalized groups, and offer training and mentoring programmes on leadership and negotiation skills for current and future women leaders.**

**Nationality**

39. The Committee notes with appreciation the information provided by the delegation that no cases of statelessness have been reported in the State party, as the Nationality Act (1954) stipulates that a child born to a Jordanian mother and a foreign father has the right to acquire Jordanian nationality if she or he is born in Jordan and the father is either unknown or stateless. This provision includes the children of fathers who are Palestinian refugees. The Committee remains concerned, however, that, under the Act, Jordanian women are not entitled to pass their nationality on to their foreign spouses and their children. It is further concerned that the decision taken by the State party in 2014 to grant children of Jordanian mothers (who have resided in the country for a minimum of five years) and foreign fathers some "privileges" (*mazaya*) in areas such as education, health, work, property ownership and investment has not yet been published nor fully implemented.

40. **The Committee recommends that the State party:**

(a) **Review the Nationality Act, while taking into consideration practices of other States parties from the region that have successfully amended their nationality laws, to ensure equality between women and men with regard to the acquisition, change and retention of nationality and to enable Jordanian women to pass their nationality on to their foreign spouses and their mutual children;**

**(b) Ensure that the "privileges" (*mazaya*) approved by the Cabinet in 2014 are implemented without delay and that government agencies comply with that decision, including by making it accessible in the Official Gazette;**

**(c) Consider lifting the five-year residence requirement for mothers in order to increase the number of children eligible for such services.**

**Education**

41. The Committee notes with appreciation that gender parity has been reached in primary education and that female enrolment rates in secondary and higher education are now higher than those for men. It further welcomes the measures taken to reduce school dropout and illiteracy rates among girls and boys. The Committee is concerned, however, that:

(a) Young married women have limited access to the education system;

(b) Female illiteracy and school dropout rates are still high in rural areas and among refugee girls;

(c) There is a lack of age-appropriate education on sexual and reproductive health and rights in schools;

(d) Traditional images of women's roles and responsibilities in schoolbooks perpetuate the disadvantaged status of girls and women;

(e) Teachers lack training on women's rights and gender equality and career guidance encouraging women and girls to choose non-traditional career paths is limited, in particular in the fields of science and technology;

(f) The number of women and girls in vocational training is limited.

42. **In line with article 10 of the Convention, the Committee draws attention to target 4.1 of the Sustainable Development Goals and recommends that the State party ensure that all girls and boys complete free, equitable and high-quality primary and secondary education that leads to effective outcomes. The Committee recommends that the State party:**

**(a) Ensure that pregnant girls and young women and mothers are supported and assisted in continuing their school education;**

**(b) Continue efforts to ensure access to education for girls living in rural areas and refugee girls and address their high illiteracy and dropout rates;**

**(c) Ensure the integration into school curricula of mandatory, age-appropriate sexual and reproductive health education, paying special attention to the prevention of early pregnancy and sexually transmitted infections, as well as sexual violence;**

**(d) Intensify its efforts to review curricula and textbooks at all levels of education to eliminate any stereotyped and patriarchal depictions of the roles of women, and enhance training for teachers on gender equality and women's rights with a view to changing existing stereotypical views and attitudes towards the roles of women and men in the family and society;**

**(e) Give priority to eliminating traditional stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study, such as science and technology, and step up efforts to provide girls with career counselling on non-traditional career paths and non-stereotypical vocational training that correspond with market demands;**

**(f) Promote vocational training for women and girls and encourage them to take part in such training.**

**Employment**

43. The Committee is concerned about:

(a) The insufficient measures to promote the concept of shared family responsibilities and to combat the difficulties that women face in combining work and family responsibilities;

(b) The very high rate of unemployed women and their marginalization from formal labour markets;

(c) Continuing horizontal and vertical occupational segregation and the concentration of women in low-paid jobs;

(d) The persistent gender wage gap, especially in the private sector;

(e) The lack of provision in the Labour Code for the principle of equal pay for men and women for work of equal value;

(f) The lack of information on labour inspections of women's working conditions, in particular in the private and informal sectors;

(g) The lack of participation and representation of women in labour unions;

(h) The harsh conditions and high risk of physical and sexual abuse faced by many girls engaged as domestic workers.

44. **The Committee recommends that the State party:**

**(a) Promote the equal sharing of family and domestic responsibilities between women and men, including by introducing compulsory paternity or shared parental leave following childbirth;**

**(b) Take measures, including temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25, such as creating incentives for employers to recruit women, introducing flexible working arrangements and strengthening professional training for women, in order to enhance women's access to the formal labour market;**

**(c) Adopt effective measures, including skills training, and incentives with a view to encouraging women to work in non-traditional fields and eliminating occupational segregation, both horizontal and vertical, in the public and private sectors;**

**(d) Adopt and effectively implement legislation guaranteeing equal pay for work of equal value in order to narrow and then close the wage gap between women and men, including by applying gender-sensitive analytical job classification and evaluation methods and regular pay surveys;**

**(e) Establish and provide adequate human and financial resources for labour inspectorates to enable them to monitor and sanction discriminatory employment practices against women, especially in the private and informal sectors;**

**(f) Remove girls, in particular those working as domestic workers, from the worst forms of child labour and ensure that legal proceedings are pursued against those who abuse and exploit them;**

**(g) Promote and encourage the participation and representation of women in labour unions;**

**(h) Systematically monitor and evaluate the implementation of the above-mentioned measures.**

**Women migrant domestic workers**

45. The Committee welcomes the measures adopted by the State party to protect the rights of women migrant domestic workers, such as issuing unified standard contracts, placing such workers under the provisions of the Labour Code, regulating employment agencies, adopting a law criminalizing trafficking in persons, increasing the number of labour inspectors, setting up a hotline and establishing shelters for victims of abuse and exploitation. The Committee is concerned, however, about:

(a) The fact that these measures have proved insufficient to ensure respect for the human rights of women migrant domestic workers, as evidenced by their high exposure to economic and physical abuse and exploitation and the persistence of practices such as the confiscation of passports by employers and the maintenance of the *kafalah* system, which further increase their risk of exploitation and make it difficult for them to leave abusive employers;

(b) Obstacles affecting women migrant domestic workers' access to justice, including fear of expulsion and insecurity of residence while legal proceedings are under way;

(c) The ineffective application of the Labour Code in relation to women migrant domestic workers;

(d) The lack of regular inspection visits to monitor working conditions;

(e) The absence of an enforcement mechanism for the work contracts of women migrant domestic workers;

(f) The lack of shelters for victims of abuse and exploitation.

46. **The Committee, in line with its general recommendation No. 26 (2008) on women migrant workers, recommends that the State party:**

**(a) Raise awareness among women migrant domestic workers of their human rights under the Convention and monitor the work of employment agencies, including by establishing an enforcement mechanism to ensure that the same contracts are used in the State party and in workers' countries of origin;**

**(b) Intensify its efforts to effectively implement the Labour Code and the numerous related regulations, adopt a specific law regulating domestic employment, with adequate sanctions for employers engaging in abusive practices, including passport confiscation, and ratify the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization;**

**(c) Abolish the *kafalah* system and ensure that women migrant domestic workers have effective access to justice, including by guaranteeing their safety and residence while legal proceedings are under way;**

**(d) Ensure regular inspection visits to women migrant workers' workplaces and dormitories;**

**(e) Provide a sufficient number of shelters for victims of abuse and exploitation and ensure that they cover the entire territory of the State party;**

**(f) Take the measures necessary to protect the rights of women migrant domestic workers, including by encouraging the establishment of a domestic workers' union.**

**Health**

47. The Committee welcomes the successful implementation of a number of primary health-care plans, including the National Reproductive Health/Family Planning Strategy (2013-2017). The Committee is concerned, however, about:

(a) The limited access of women and adolescent girls to sexual and reproductive health services in rural and remote areas of the State party;

(b) The criminalization of abortion, except when the life or health of the pregnant woman or girl is at risk, and the fact that it compels women, in particular those living in rural areas, to resort to unsafe and illegal abortion;

(c) The limited access to modern contraceptives, especially in rural areas;

(d) The limited access of women and girls to HIV counselling and testing services at prenatal clinics.

**48. The Committee recommends that the State party, in line with its general recommendation No. 24 (1999) on women and health:**

**(a) Provide comprehensive health services, in particular sexual and reproductive health services, including antenatal, delivery and postnatal services, in each region in accordance with its size and population;**

**(b) Amend its Public Health Act to legalize abortion and ensure its legal and practical availability in cases in which the life and/or health of the pregnant woman or girl is at risk and in cases of rape, incest and serious impairment of the fetus, and to decriminalize it in all other cases and increase women's access to safe abortion and to post-abortion care services;**

**(c) Ensure the availability and accessibility of modern forms of contraception and reproductive services to all women and adolescent girls in the State party;**

**(d) Improve the access of women and girls to HIV counselling and testing services at prenatal clinics.**

**Rural women**

49. The Committee notes with appreciation the training courses and development projects targeting rural women, including rural women who head households. It remains concerned, however, about:

(a) The disadvantaged position of women in rural and remote areas who face poverty, difficulties in gaining access to health care, education and income-generating activities, and a lack of participation in decision-making processes at the community level;

(b) The prevalence of discriminatory practices that prevent rural women from inheriting or acquiring ownership of agricultural land and other property.

**50. The Committee, in line with its general recommendation No. 34 (2016) on the rights of rural women, recommends that the State party:**

**(a) Develop and implement measures, including temporary special measures, to accelerate the achievement of substantive equality for rural women in all areas in which they are underrepresented or disadvantaged, including political and public life, education, health and employment, put in place programmes to reduce the engagement of rural girls in unpaid care work, which constitutes a barrier to school attendance, and design and implement**

**targeted measures to create income-generating opportunities for rural women in their localities;**

**(b) Address negative traditional practices that affect the full enjoyment of rural women's right to agricultural land and other property, and launch awareness-raising campaigns on their legal right to ownership and inheritance.**

### Gender and climate change

51. The Committee commends the State party for its action plan and training manual on gender and climate change, which were launched in 2011, but requires additional information on how women participated in the development of the action plan and how a gender perspective was applied in the identification of adaptation and mitigation measures.

52. **The Committee recommends that the State party provide, in its next periodic report, information on:**

**(a) The participation of women in the development and implementation of the plan;**

**(b) Best practices in adaptation and mitigation measures identified from a gender perspective.**

### Women with disabilities

53. The Committee takes note of the fatwa that was issued in January 2014 by the Department for the Rendering of Formal Islamic Law Opinions in Decision No. 194 (2014/2) prohibiting the sterilization of girls with disabilities and stipulating society's responsibility for girls with disabilities. Nevertheless, the Committee remains concerned about reported cases of compulsory or voluntary sterilizations of women with disabilities that are not for medical reasons, performed by the families of women and girls with mental disabilities. The Committee is further concerned that the law protecting women with mental disabilities from forced sterilization has not yet been adopted.

54. **The Committee recommends that the State party expedite the adoption of the law protecting women with mental disabilities from forced sterilization, as well as amendments to the Criminal Code and Criminal Procedure Code, which are aimed at enhancing the protection of persons with disabilities, in particular women. The Committee also recommends that the State party ensure that the rights of women with disabilities are mainstreamed in the national strategies and action plans for women and that it intensify its efforts in providing support to families with girls and women with disabilities through social and health services, as well as training opportunities to women with disabilities.**

### Marriage and family relations

55. The Committee notes the efforts of the State party to address discrimination against women in marriage and family relations and appreciates that the resources needed for the Alimony Fund to function properly will be allocated in the near future. The Committee remains concerned, however, about:

(a) The continued application of discriminatory provisions contained in the Personal Status Act, in particular the permissibility of polygamy, the requirement for a woman to obtain her guardian's permission to marry, notwithstanding her consent, and the restrictions on women's freedom of movement and right to work and to divorce;

(b) The high number of girls, some as young as 15 years of age, who are married every year as a result of the extensive use of derogations from the minimum

age of marriage (which is set at 18 years) and the broad discretion left to sharia court judges and legal guardians in that respect;

(c) The persistent discrimination against women and girls in inheritance law, both as daughters and as widows;

(d) The tendency of sharia courts to rule in favour of the husband in divorce, alimony and child custody proceedings;

(e) The absence of women judges in sharia courts;

(f) The absence of legislation offering a civil alternative to the Personal Status Act, notwithstanding increasing demands from sectors of civil society.

**56. The Committee recommends that the State party review all discriminatory provisions of the Personal Status Act and, in particular:**

**(a) Discourage and prohibit polygamous marriage in law and in practice, in line with the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/ general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices;**

**(b) Ensure equal rights between men and women with regard to marriage and divorce and eliminate restrictions on married women's freedom of movement and right to work;**

**(c) Prevent the practice of early and/or child marriage in all societal groups with a view to giving priority to the best interests of girls and their right to education, and conduct awareness-raising campaigns concerning the many negative consequences of such marriages;**

**(d) Continue its efforts to enable girls and women to exercise their right to inheritance on an equal basis with their male counterparts and to enact legal provisions to ensure that, upon the dissolution of marriage, women have equal rights over property acquired during marriage;**

**(e) Establish an appeals mechanism to oversee sharia court proceedings and ensure that they do not discriminate against women in their judgments, especially in divorce, alimony and child custody proceedings;**

**(f) Appoint women judges in sharia courts;**

**(g) Introduce legislation offering a civil alternative to the Personal Status Act, based on the principles of equality and non-discrimination, in order to protect women and alleviate their legal, economic and social marginalization.**

### Optional Protocol to the Convention

**57. The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

### Beijing Declaration and Platform for Action

**58. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

### 2030 Agenda for Sustainable Development

**59. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

**Dissemination**

**60. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.**

**Technical assistance**

**61. The Committee calls upon the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system and other international entities in the development of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole.**

**Ratification of other treaties**

**62. The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.**

**Follow-up to the concluding observations**

**63. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 26 (a) and 34 (a), (b) and (c) above.**

**Preparation of the next report**

**64. The Committee invites the State party to submit its seventh periodic report in February 2021. In case of delay, the report should cover the entire period up to the time of its submission.**

**65. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**

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[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.